

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DWIGHT HOLLAND

Plaintiff,

vs.

KING COUNTY ADULT DETENTION, KING
COUNTY et al., KING COUNTY DISTRICT
COURT EAST DIVISION – REDMOND
COURTHOUSE, et al., WASHINGTON STATE
DEPARTMENT OF LICENSING et al.,
WASHINGTON STATE PATROL et al.,
OFFICER WSP ANTHONY BROCK in his
individual and official capacity as Washington
State Patrol Officer, LAKEYSHA NICOLE
WASHINGTON in her individual and official
capacity as Prosecuting Attorney, KING COUNTY
PROSECUTING ATTORNEY’S OFFICE, et al.,
GRAY WESTSIDE TOWING LLC,

Defendant(s).

No. C12-0791-JLR

KING COUNTY DEFENDANTS’
OPPOSITION TO PLAINTIFF’S
MOTION TO ENLARGE TIME TO
RESPOND TO KING COUNTY
DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT AND
REQUEST TO STRIKE PLAINTIFF’S
MOTION

Noted for August 23, 2013

INTRODUCTION

King County Defendants’ Motion for Summary Judgment was noted for August 23,
2013, therefore, Plaintiff’s responsive brief was due to be filed on August 19, 2013. *See* LCR
7(d)(3). No responsive brief has been timely forthcoming from Plaintiff. Instead, Plaintiff filed
a “Motion To Enlarge Of Time To Respond To King County Defendants’ Motion for Summary
KING COUNTY’S OPPOSITION TO PLAINTIFF’S
MOTION TO ENLARGE TIME
(C12-0791-JLR) - 1

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1 Judgment” citing Fed. R. Civ. P. 6(b). King County Defendants oppose an extension of time for
2 Plaintiff to respond to their Summary Judgment motion.

3 **ARGUMENT**

4 First, Plaintiff’s motion should be stricken in its entirety as it is untimely. Under LCR
5 7(d)(2), a motion for relief from a deadline cannot be noted for consideration earlier than the
6 second Friday after service of the motion. Plaintiff filed his motion on Monday August 19, 2013
7 and noted it for the same Friday (August 23, 2013). As such the motion has not been properly
8 noted and must be stricken.

9 Further, Plaintiff has provided no evidence to properly support any assertions of fact,
10 rebut any assertions of fact as contained in King County Defendant’s motion, or provide any
11 declaration as to what he will be able to present if given additional time pursuant to Fed. R. Civ.
12 P. 56(d). Additionally, Plaintiff noted in prior pleadings with this court that King County
13 Defendants have complied with his discovery requests (see ECF Docket 35-2, 37). Although
14 Plaintiff claimed that King County only “partly complied,” Plaintiff has not filed a motion to
15 compel against King County Defendants although he filed a motion to compel against State
16 Defendants pursuant to the same set of discovery. While Plaintiff claims that he needs more
17 time to respond to King County Defendants’ motion due to having to answer discovery from
18 State Defendants, the responsibility is on plaintiff to maintain an action that he initiated. As the
19 only facts asserted by King County Defendants in their motion for summary judgment are
20 undisputed, plaintiff is not entitled to additional time to respond to legal arguments based on the
21 very claims he himself brought against Defendants.

22 As plaintiff’s justification for an extension of time does not mount to good cause under
23 Fed. R. Civ. P. 6(b), his motion should be denied.

1 DATED this 22st day of August, 2013 at Seattle, Washington.

2
3 DANIEL T. SATTERBERG
King County Prosecuting Attorney

4 By: s/ Samantha D. Kanner
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DECLARATION OF FILING AND SERVICE

I hereby certify that on August 22, 2013, I electronically filed the forgoing document with the clerk of the court via the CM/ECF e-filing portal. I further certify that the above listed documents were sent to the following parties via CM/ECF e-service:

Dwight Holland
Dmanh3@comcast.net

Tobin Dale
TobinD@atg.wa.gov

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 22st day of August, 2013 at Seattle, Washington.

s/ Teresa Potter
TERESA POTTER, Paralegal
Litigation Section